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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 BARRY LAMON,

No. CIV S-03-0423-FCD-CMK-P

10 Plaintiff,

11 vs.

ORDER

12 C.K. PLILER, et al.,

13 Defendants.
14 _____/

15 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
16 to 42 U.S.C. § 1983. By this order, the court addresses plaintiff's document entitled "Plaintiff's
17 Motion to Submit Additional Pages with His Fourth Amended Complaint," (Doc. 102), filed on
18 April 10, 2006.

19 Attached to plaintiff's filing, is a fourth amended complaint. To the extent
20 plaintiff is requesting leave to file an oversized document, the request will be granted. The
21 document is, therefore, construed as plaintiff's fourth amended complaint being filed pursuant to
22 the court's January 20, 2006, order.


23 As revealed by the court's prior orders, at best plaintiff has alleged the following
24 claims in the various complaints filed in this action to date: (1) a Free Exercise claim based on
25 plaintiff's allegations that he was prevented from practicing his religion when he was not
26 provided a vegetarian diet; (2) an Eighth Amendment claim based on plaintiff's allegations that,

1 upon his initial transfer to CSP-Sacramento, he was not interviewed by psychiatric staff before
2 being placed in the B-facility; (3) an Eighth Amendment claim based on plaintiff's allegations
3 concerning a subsequent move to a different cell; (4) an Equal Protection claim arising from the
4 cell move; and (5) a Due Process claim based on destruction of plaintiff's personal property. By
5 order issued on June 10, 2004, this action was determined appropriate for service on the
6 following ten defendants: Pliler; Vance; Hawthorne; Turner; Murphy; Lytle; Loreda; Paul;
7 Scicluna; and Sherbourne. Between August 12, 2004, and September 21, 2004, each of these ten
8 defendants waived service.

9 A review of the fourth amended complaint reveals that plaintiff has named
10 numerous additional defendants and raises 21 separate claims for relief. Plaintiff, however, has
11 failed to obtain leave of court pursuant to an appropriate motion under Federal Rule of Civil
12 Procedure 15 to file an amended complaint which exceeds the scope of the court's prior orders
13 granting leave to amend. This issue will be addressed by separate findings and
14 recommendations. In the meantime, the ten defendants who have waived service will not be
15 required to respond to the fourth amended complaint pending further order of the court.

16 Accordingly, IT IS HEREBY ORDERED that the ten defendants who have
17 waived service are relieved from any obligation to respond to the fourth amended complaint until
18 directed to do so by further court order.

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20 DATED: April 19, 2006

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23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
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